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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,209

01/14/2005

JeHo Nam

51876P803

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06/22/2010

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

PE, GEEPY

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

06/22/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/522,209	Applicant(s) NAM ET AL.	
	Examiner Geepy Pe	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/2/09</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 34-64, as filed on 4/14/10, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action, dated 11/24/09.

6. Claims **35-64** are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia (US Pat. 5,510,832; already of record), in view of Margulis et al. (US Pat. 6,157,396).

Re. **claim 35**, Garcia teaches a stereoscopic adaptation method (Garcia: Title) comprising the steps of: receiving video data (Garcia: Figs. 1-3); stereoscopically adapting video data source according to the user preference information included in a usage environment information (Garcia: col. 7, lines 35-66); and outputting the adapted video data source (Garcia: col. 4, lines 38-39; Fig. 1). Yet, Garcia does not explicitly teach collecting user preference information from a user, or stereoscopically adapting the video data automatically from two-dimensional video to three-dimensional video in a video data source according to the user preference information included in a usage environment information. However, in the same field of endeavor, Margulis teaches using key meta data information (Margulis: col. 10, lines 57-59) to allow user preferences and user environment (Margulis: col. 11, lines 5-8) to be satisfied, as well as automatic calibration (Margulis: col. 14, lines 6-30) for the benefit of improving quality of image frames and using special system functions (Margulis: Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the steps of collecting user preference information from a user and stereoscopically adapting the video data automatically from two-dimensional video to three-dimensional video in a video data source according to the user preference information included in a usage environment

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information in the Garcia invention, as shown in Margulis, for the benefit of improving quality of image frames and using special system functions. The Garcia invention, now incorporating the Margulis invention, has all the limitations of claim 35.

Re. **claim 36**, Garcia, now incorporating Margulis, teaches that the video data source includes contents metadata for describing video contents and information of the video contents (Garcia: col. 5, lines 34-37: i.e., section (b) would include metadata that describes the video contents and information).

Re. **claim 37**, Garcia, now incorporating Margulis, teaches that the stereoscopic adaptation is converting two-dimensional video into three-dimensional stereoscopic video and the user preference information includes preferred parallax information (Garcia: col. 3, lines 40-44).

Re. **claim 38**, Garcia, now incorporating Margulis, teaches that the stereoscopic adaptation is converting two-dimensional video into three-dimensional stereoscopic video and the user preference information includes preferred information about maximum number of delayed frame (Garcia: col. 12, lines 13-15).

Re. **claim 39**, Garcia, now incorporating Margulis, teaches that the stereoscopic adaptation is converting two-dimensional video into three-dimensional stereoscopic video and the user preference information includes preferred information about three-dimensional depth range (Garcia: col. 3, lines 30-44).

Re. **claim 40**, Garcia, now incorporating Margulis, teaches that the depth range is a distance between a monitor screen and an object in three-dimensional video (Garcia: col. 1, lines 36-44).

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Re. **claim 41**, Garcia, now incorporating Margulis, teaches that the stereoscopic adaptation is converting three-dimensional stereoscopic video into two-dimensional video and the user preference information includes preferred video information between left video and right video of the three-dimensional stereoscopic video (Garcia: col. 1, lines 45-50).

Re. **claim 42**, Garcia, now incorporating Margulis, teaches that the usage environment information includes capability information of a user terminal describing whether or not the user terminal is three-dimensional stereoscopic (Garcia: col. 6, lines 33-38).

Re. **claim 43**, Garcia, now incorporating Margulis, teaches that the usage environment information includes capability information of a user terminal describing decoding capability and rendering method of the user terminal (Garcia: col. 6, lines 41-44 & 63-64).

Re. **claim 44**, Garcia, now incorporating Margulis, does not teach that the rendering method is classified into classification group including interlaced, sync-double, page-flipping, red-blue anaglyph, red-cyan anaglyph, or red- yellow anaglyph method (Garcia: col. 11, lines 16-36: i.e., sync-double or “line-doubling” as referred to within Garcia).

Re. **claims 45 and 55**, the claim(s) recites analogous limitations to claim(s) 35 above, and is/are therefore rejected on the same premise.

Re. **claims 46 and 56**, the claim(s) recites analogous limitations to claim(s) 36 above, and is/are therefore rejected on the same premise.

Re. **claims 47 and 57**, the claim(s) recites analogous limitations to claim(s) 37 above, and is/are therefore rejected on the same premise.

Re. **claims 48 and 58**, the claim(s) recites analogous limitations to claim(s) 38 above, and is/are therefore rejected on the same premise.

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Re. **claims 49 and 59**, the claim(s) recites analogous limitations to claim(s) 39 above, and is/are therefore rejected on the same premise.

Re. **claims 50 and 60**, the claim(s) recites analogous limitations to claim(s) 40 above, and is/are therefore rejected on the same premise.

Re. **claims 51 and 61**, the claim(s) recites analogous limitations to claim(s) 41 above, and is/are therefore rejected on the same premise.

Re. **claims 52 and 62**, the claim(s) recites analogous limitations to claim(s) 42 above, and is/are therefore rejected on the same premise.

Re. **claims 53 and 63**, the claim(s) recites analogous limitations to claim(s) 43 above, and is/are therefore rejected on the same premise.

Re. **claims 54 and 64**, the claim(s) recites analogous limitations to claim(s) 44 above, and is/are therefore rejected on the same premise.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geepy Pe whose telephone number is (571)-270-3703. The examiner can normally be reached on Monday - Friday, 7:00AM - 3:30PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. P./
/Geepy Pe/
Examiner, Art Unit 2621

/Andy S. Rao/
Primary Examiner, Art Unit 2621
June 17, 2010